

Atty Docket No.: R0130D-CON

USSN: 10/823,012

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REMARKS

Claims 48, 51 and 53-62 are pending in the above-identified patent application. Claim 51 is canceled by this Amendment. Claims 53 and 55-62 are withdrawn from consideration.

1. Declaration Under 37 CFR §1.132 Showing Not Commensurate In Scope With Claimed Invention

The Examiner indicated that the Declaration under 37 CFR §1.132 has been reassessed in view of Applicants further explanation. The Examiner again indicated that the showing is not commensurate in scope with Applicants' claims. The Examiner stated that the comparison of only one compound is insufficient to show a true trend that the *para* compounds of the instant case have unexpected and beneficial properties over the *meta* compounds of Cournoyer et al.

Applicants have amended claim 48 to limit R<sup>4</sup> to "chloro". Claim 48 thus encompasses a single compound, *N*-[2-chloro-4-(4,5-dihydro-1*H*-imidazol-2-ylmethyl)-phenyl]-methanesulfonamide. Claim 52 has been amended to place it in independent form and to recite only the compound *N*-[2-chloro-4-(4,5-dihydro-1*H*-imidazol-2-ylmethyl)-phenyl]-methanesulfonamide.

Applicants' Declaration under 37 CFR §1.132 demonstrates that *N*-[2-chloro-4-(4,5-dihydro-1*H*-imidazol-2-ylmethyl)-phenyl]-methanesulfonamide (the *para* compound) of the above-identified application has unexpectedly better uroselectivity than the analogous *meta* isomer *N*-[2-chloro-5-(4,5-dihydro-1*H*-imidazol-2-ylmethyl)-phenyl]-methanesulfonamide of Cournoyer et al.. Since Applicants' claims are directed to a single compound, and Applicants have demonstrated superior uroselectivity of the single claimed compound over the analogous *meta* isomer of Cournoyer et al., Applicants respectfully believe that the claims are now commensurate in scope with Applicants' showing.

Since Applicants' claimed compound has unexpected superior uroselectivity over the analogous *meta* isomer of Cournoyer et al., Applicants believe that the claims as amended are patentably distinct from Cournoyer et al.

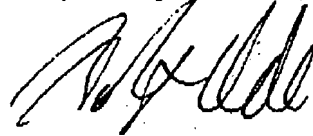
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**CONCLUSION**

In view of the foregoing, Applicants believe that the pending claims in the above identified patent application are patentable over the prior art of record and in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

A Request for Continued Examination (37 CFR §1.114) is submitted herewith. Please charge the fee for a three month Extension of time (37 C.F.R. §§ 1.17(a)(3)) to Deposit Account No. 18-1700.

Respectfully submitted,



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